



SOUTHEASTERN COLORADO


# Water Conservancy District

*"Your investment in water"*

**DATE:** March 31, 2010

**TO:** Agricultural Entities within the Confines of the Southeastern Colorado Water Conservancy District

**CC:** Board of Directors; Jim Broderick, Executive Director; Roy Vaughan, USBR; Steve Witte, Division Engineer; Burns, Figa & Will P.C.

**FROM:** Bob Hamilton, Director of Engineering & Resource Management 

**SUBJECT:** Allocation of 2010 Agricultural Fryingpan-Arkansas Project Water

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In accordance with the District's Water Allocation Principles, contract with the United States, Operating Principles, appropriate Colorado water laws, and the Colorado Water Conservancy Act, the Board of the District and Enterprise does hereby notify you of your opportunity to apply for an allocation of Project water in 2010. Project water allocations are required to be supplemental to adjudicated waters and for use only within the confines of the District boundaries.

At the May 20, 2010 Board meeting, the Board will allocate municipal Project water as equitably as possible. All allocations will be based on: 1) the total water available to the District; 2) applicable Board resolutions and Allocation Principles; 3) eligible acreage; 4) the total amount of water requested; and 5) the need evidenced in each application.

Allocation requests must be received **NO LATER THAN 4:30 p.m. Friday, April 23, 2010.** Recipients will be notified of their allocation on or about May 20, 2010.

Payment must be received in full prior to the delivery of water and not later than June 15, 2010, or such allocation shall be available for reallocation by the District. However, agricultural entities may choose to pay at that time for only that portion of their Project water allocation they expect to use before July 9, 2010. Any remaining amount of their allocation will be reserved until July 9, 2010. Agricultural entities must notify the District by July 9, 2010, of their intent to use, and must pay in full by July 13, 2010, any remaining portion of their allocation they wish to use. If the District is not notified of the intent of the agricultural entity to use the remaining portion of their allocation, or payment is not received, then such remaining allocation shall be available for reallocation by the District.

Agricultural Project water will be sold for \$8.25 per acre-foot, which includes a \$0.75 Water Activity Enterprise surcharge and a \$0.50 Safety of Dams surcharge.

**CONDITIONS APPLYING TO THE ALLOCATION  
OF 2010 AGRICULTURAL PROJECT WATER**

1. An allocation will be made each year in order that Project water will be efficiently managed by the District and the entities. **The allocation will be made at the May 2010 meeting of the Board of Directors.** In the event additional water is available to the District after the May allocation, eligible entities will be notified by mail. The Allocation Committee and/or the Board of Directors will then review any written requests. Water allocated in a second allocation must be paid for in full within two weeks of notification of the amount allocated.
2. The Board has established a policy that applications received after the deadline, will **not** be considered. Failure to pay by the announced deadline automatically voids the approved allocation.
3. The District must **notify** the Bureau of Reclamation before Project water can be released. The District will notify the Division Engineer that you will be submitting your schedule for delivery directly to his office.
4. Allocated Project water will be delivered at the outlet work of Pueblo Reservoir, Turquoise Reservoir, or Twin Lakes Reservoir. Delivery of your Project water, subject to appropriate transit loss, can be made: a) to your headgate on the Arkansas River; b) by means of your wells as an alternate point of diversion, providing said wells have been adjudicated by the Water Court; or c) by exchange, if such exchange is decreed or approved by the Division Engineer in writing.
5. Eighty percent (80%) of any agricultural allocation of Project water must be used by November 1, 2010. The remaining twenty percent (20%) must be used by May 1, 2011. If Project water allocations are not used by the specified dates, (subject to any extensions the Board may approve) the allocations will be canceled, and monies paid will be forfeited.

In considering extension requests, the District will consider that water committed to augmentation plans often requires longer-term storage. Approved carryover storage past May 1 of the following year of Project water allocated for agricultural use shall be subject to appropriate evaporation and transportation charges and to financial surcharges similar to those paid for municipal carryover storage.

6. Any and all waters purchased are subject to all terms and conditions of the Contract between the Southeastern Colorado Water Conservancy District and the United States in effect for 2010. Submission of an application for Project water constitutes acceptance of the price for Project water set forth on the previous page, and of all terms and conditions of the District's current Water Allocation Policy. We understand you have received these documents from us in the past. If you need to review a copy of any of these documents, please contact the District at (719) 948-2400.
7. It is the intent of the Board of Directors that entities which do not buy Project water in any single year will not be precluded from doing so in the future, and will not be subject to prejudice thereby in the Board's review of the applications.

***ALLOCATION APPLICATIONS MUST BE RECEIVED BY 4:30 p.m. Friday, April 23, 2010***

**SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT**  
**AGRICULTURAL APPLICATION**  
**2010 FRYINGPAN-ARKANSAS PROJECT WATER**

TO: Board of Directors, Southeastern Colorado Water Conservancy District:

We/I, the \_\_\_\_\_, hereby request \_\_\_\_\_ acre-feet of Project water in the May 2010 allocation. We/I understand the Board of Directors of the District will allocate available waters equitably in its discretion, based upon the merits of each application, and water will be delivered in accordance with, and we accept the terms and conditions of the District's Water Allocation Policy and of the District's notice dated March 31, 2010, which accompanied this application. We understand and accept that we will pay the District \$8.25 per acre-foot (which includes a \$0.75 per acre-foot Water Activity Enterprise surcharge and a \$0.50 Safety of Dams surcharge for agricultural water), and that allocation and delivery of water by the District does not create any right, title, entitlement, or other interest in Project water beyond the right to delivery of current Project water sold by the District.

In support of our request, and to comply with the need for information by the District to meet the terms and conditions of its contract with the United States, and the Operating Principles, we confirm that we have sufficient non-Project water rights and that we will not deliver Fryingpan-Arkansas Project water to lands outside of the boundaries of Southeastern Colorado Water Conservancy District, and submit the following information:

**IRRIGATION ENTITIES:**

We request this allocation be made available May 20, 2010. We will pay in accordance with the terms of the District's notice dated March 31, 2010, which accompanied this application, and before use. In 2010, we will irrigate \_\_\_\_\_ *eligible* acres, for \_\_\_\_\_ landholders. We expect to use \_\_\_\_\_% of our allocated Project water for well augmentation.

For requests of partial or all use for well augmentation a copy of your substitute water supply plan will need to be attached. Project water used for well augmentation will be surcharged an additional \$2.60 per acre-foot and/or a portion of the allocation may be assigned to the Division Engineer's Office to make-up the return flows that would have been generated by direct use of the Project water. This is because the water is considered to be totally consumed when used for augmentation and there are no return flows.

If supplementary information is required regarding our request we agree to supply additional information as requested by the District.

The following is information we feel should be used by the Board of Directors in their evaluation of our request, and to set out our unusual circumstances involving our entity in 2010 (attach additional pages if necessary).

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**ALLOCATION APPLICATIONS MUST BE RECEIVED BY 4:30 p.m. Friday, April 23, 2010**

Please do **not** send payment until you are notified of the amount of water approved by the Board of Directors.

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Entity

\_\_\_\_\_  
Address

\_\_\_\_\_  
Contact

\_\_\_\_\_  
City                      State                      Zip

\_\_\_\_\_  
Title of Contact

\_\_\_\_\_  
Phone and Fax

\_\_\_\_\_  
e-mail address

\_\_\_\_\_  
Date